

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-8 and 10-18 are now pending in this application.

### **Claim Objection**

Claim 1 is objected to for containing informalities. Applicant respectfully submits that the amendment to claim 1 renders this objection moot. Reconsideration and withdrawal of this objection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 1-8 and 13-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 01/98723 to Groves *et al.* (hereafter “Groves”) in view of U.S. Patent No. 1,732,938 to Jones (hereafter “Jones”). This rejection is respectfully traversed.

Groves discloses an exhaust gas cooler that includes an external tubular housing 20, tapered cap portions 25a and 25b, flange plates 26, and coolant passages or tubes 66. See page 8, line 23, to page 9, line 10, of Groves.

However, as noted on page 3 of the Office Action, Groves does not disclose or suggest a heat exchanger, “wherein the housing is in a shape of a bone that has two thick portions and a relatively thin portion between the two thick portions when viewed in longitudinal section or in a shape that is approximated to a bone shape that has two thick portions and a relatively thin portion between the two thick portions,” as recited in claim 1. Nor does Groves disclose or suggest such a heat exchanger, “wherein the at least one heat exchanger element is located in the relatively thin portion,” or “wherein the thick portions are configured to direct a flow of the second medium around the collecting vessels” as recited in claim 1. Claims 2-8 and 13-18 depend from claim 1.

Jones discloses a ventilator in which a fan 42 draws heated air through a pipe and extension 34 to force the air through chambers 17 and wells 24 and an exhaust pipe connected to a flange 28, and a fan 41 that draws fresh air through an inlet pipe 22 to chambers 18 and then out through delivery pipe 38 via outlet wells 24a. See Jones at page 1, lines 1-7; page 2, lines 103-120; Figures 1-3.

However, Jones does not disclose or suggest a heat exchanger, “wherein the housing is in a shape of a bone that has two thick portions and a relatively thin portion between the two thick portions when viewed in longitudinal section or in a shape that is approximated to a bone shape that has two thick portions and a relatively thin portion between the two thick portions, wherein the at least one heat exchanger element is located in the relatively thin portion, wherein the thick portions are configured to direct a flow of the second medium around the collecting vessels” as recited in claim 1. As shown in Figures 1-3 of Jones, the ventilator of Jones does not direct a flow of a second medium around the collecting vessels. For example, the ventilator of Jones direct flows of mediums through the outlet wells 24, 24a, not around the collecting vessels, as in the heat exchanger of claim 1. Thus, the combination of Groves and Jones does not disclose or suggest all of the features of claim 1.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves and Jones, and further in view of U.S. Pub. No. 2003/0010479 to Hayashi *et al.* (hereafter “Hayashi”). This rejection is respectfully traversed. Hayashi does not remedy the deficiencies of Groves and Jones discussed above in regard to independent claim 1, from which claim 10 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves and Jones, and further in view of U.S. Patent No. 6,659,170 to Kale (hereafter “Kale”). This rejection is respectfully traversed. Kale does not remedy the deficiencies of Groves and Jones discussed above in regard to independent claim 1, from which claim 11 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves and Jones, and further in view of FR 2 605 685 to Gautelli *et al.* (hereafter "Gautelli"). This rejection is respectfully traversed. Gautelli does not remedy the deficiencies of Groves and Jones discussed above in regard to independent claim 1, from which claim 12 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

JAN -2 2009

Date \_\_\_\_\_

By  \_\_\_\_\_

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